

DOCKET # 97-0027 ORIGINAL

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July 25, 1997

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JUL 25 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Hand

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Local Multipoint Distribution Service, CC Docket No. 92-297
Ex Parte Presentation

Dear Mr. Caton:

On behalf of CellularVision USA, Inc. ("CVUS"), please be advised that on July 24, 1997, the undersigned counsel forwarded the enclosed letter to David R. Siddall, Legal Advisor to Commissioner Ness in regard to the above-referenced rulemaking proceeding.

Please direct any questions regarding this matter to the undersigned.

Sincerely,



Michael R. Gardner
William J. Gildea III
Counsel for CellularVision USA, Inc.

Enclosure

cc Mr. David R. Siddall, Legal Advisor to Commissioner Ness

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
By Facsimile

David R. Siddall
Legal Advisor to Commissioner Ness
Federal Communications Commission
1919 M Street, NW, Room 832
Washington, DC 20554

Dear David:

As a follow-up to our conversation today, attached is the letter that we filed at the Commission yesterday that reflects our meetings on Tuesday with several of the Commissioners and senior staff on the issue of a 50% bidding credit for small business LMDS licensees if the installment payment plan is eliminated.

As I told you, CellularVision feels it is essential, based on their discussions with Wall Street analysts who have followed the LMDS licensing saga, that the Commission:

1. Announce in the very near future an auction date for LMDS in 1997;
2. Adopt a 50% bidding credit for small businesses at the same time it eliminates the installment payment schedule proposed in the Second Report and Order, and;
3. Retain the simple and uncomplicated small business definition already articulated in the Second Report and Order.

If the Commission simultaneously were to take these three actions, we believe that LMDS auctions will gain renewed interest and support on Wall Street, thereby facilitating the most robust involvement of small businesses in the nationwide deployment of LMDS.

Should you need any additional information on this important matter from CellularVision or those on Wall Street with whom we have worked with during CellularVision's successful public offering, please let me know.

Sincerely,



Michael R. Gardner
Counsel for CellularVision USA, Inc.

Attachment

cc: Shant Hovnanian

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By Hand

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

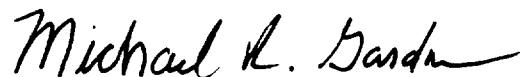
Re: Local Multipoint Distribution Service, CC Docket No. 92-297
Ex Parte Presentation

Dear Mr. Caton:

On behalf of CellularVision USA, Inc. ("CVUS"), please be advised that on July 22, 1997, the undersigned counsel and Shant Hovnanian, President and CEO of CVUS, met with Commissioner Quello and his Senior Legal Advisor, Rudy Baca, Jackie Chorney, Legal Advisor to Chairman Hundt, Jane Mago, Legal Advisor to Commissioner Chong, Dan Phythyon, Chief of the Wireless Telecommunications Bureau, and Kathleen O'Brien-Ham, Chief of the Auctions Division of the Wireless Telecommunications Bureau. As detailed in CVUS' *Petition for Partial Reconsideration* filed in the above-referenced rulemaking proceeding, CVUS discussed the imperative need for the Commission to ensure that entrepreneurial small businesses can effectively participate in the LMDS auctions. Moreover, if installment payments for LMDS small businesses are eliminated, CVUS proposed that small businesses, as currently defined by the Commission in this proceeding, should receive a 50% bidding credit in order to enable these entities to attract the necessary private financing to compete at auction.

Please direct any questions regarding this matter to the undersigned.

Sincerely,



Michael R. Gardner
William J. Gildea III
Counsel for CellularVision USA, Inc.

cc Commissioner Quello, Mr. Rudy Baca
Ms. Jackie Chorney
Ms. Jane Mago

Mr. Dan Phythyon
Ms. Kathleen O'Brien-Ham